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10/507,447	04/12/2005	Gudmundur Greter Sigurdsson	3535-0134PUS1	6749

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EXAMINER

BEAULIEU, YONEL

ART UNIT	PAPER NUMBER
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3661

NOTIFICATION DATE	DELIVERY MODE
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07/24/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/507,447

Applicant(s)

SIGURDSSON ET AL.

Examiner

/Yonel Beaulieu/

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-11, 13, 14, 17-19, 21-32, 35 and 36 is/are rejected.
- 7) ☒ Claim(s) 6, 12, 15, 16, 20, 33, 34 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

Claim Rejections - 35 USC § 112

Claims 2, 3, 11, 13, and 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 2, "*preferably 0.5-1.5 seconds, and more preferably 0.8-1.2 seconds*" (lines 3-4) is vague and indefinite. A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. See MPEP § 2173.05(c). Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim 2 recites the broad recitation 0.01 – 2 seconds, and the claim also recites ranges **0.5-1.5** and **0.9-1.2** which are the narrower statement of the range/limitation.

Art Unit: 3661

Claim 3 is necessarily rejected as being dependent upon the rejection of claim 2 above.

Regarding claim 11, the phrase "such as" (line 2) renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claim 13, "optionally" (line 2) is vague and indefinite as it is not readily clear as to when to established that option.

Claim 31 is replete with "and/or" language. Beyond the first choice, the remaining choices are confusing to the skilled artisan as the skilled artisan would not readily understand as to how to mix the limitations following the first choice or it is not clear as to what is inclusive or exclusive.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 - 5, 7 - 11, 13, 14, 17 - 19, 21 - 32, 35, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hardesty (U.S. Patent No. 6005513).

Regarding claims 1, 17, and 26, Hardesty teaches method and system for determining a track record of a moving object/user by determining at least one characteristic properties of the object, comprising: receiving at least three Global-Positioning-System (GPS 14) coordinates, each of the coordinates comprising the current position of the moving object and the current time, at which the moving object is at the current position (col. 5, lines 26 – 37 at least), storing said coordinates data in a storage means (within 30; col. 7, lines 4 – 5 at least), utilizing the at least three coordinates for determining said at least one characteristic properties of the moving object, and thereby obtaining a track record for the moving object, wherein the track record comprises information related to: direction of movement velocity perpendicular acceleration (col. 4, lines 46 – 57 at least) except for said track record data is utilized to create user information.

However, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified utilizing record data to create user information is old and well-known in the art of tracking record.

Regarding claims 2 – 5, determining the characteristic property of the object within the range of 0.01-2 and collecting the data while the engine is running or when starting or shutting down the engine of the moving object when the data exceed a predetermined velocity limit would be obvious to the skilled artisan as involving routine skilled in the art.

Regarding claim 7, Hardesty's characteristic property is stored to a computer system (figs. 1-2).

Regarding claim 8, Hardesty's track record comprises position data (items 14 in Hardesty support position data as well known).

Regarding claim 9, Hardesty's items 14 support position and time data as well established in the art.

Regarding claims 10 and 11, Hardesty further teaches obtaining environmental parameters (col. 1, lines 35 – 46 and col. 2, lines 37 – 48 at least).

Regarding claims 13, 14, 18, and 19, Hardesty further teaches transmitting the data through a wireless network to a computer system on a receiver side that receives the information (as illustrated in figs. 1-2).

Regarding claim 21, Hardesty further teaches the moving object is a motor vehicle (note item 42 in fig. 1).

Regarding claim 22, Hardesty further teaches the moving object is an airplane (aircraft 20; as illustrated in figs. 2, 5, and 6).

Regarding claim 23, Hardesty's track record comprises position data (items 14 in Hardesty support position data as well known).

Regarding claim 24, Hardesty further teaches a receiver is air-traffic controller (col. 2, lines 11 – 20 and col. 12, lines 1 – 7).

Regarding claim 25, Hardesty's moving object is a ship (col. 6, lines 47 – 50 at least).

Regarding claim 27, Hardesty further teaches measuring environmental parameters (col. 1, lines 35 – 46 and col. 2, lines 37 – 48 at least).

Regarding claims 28 and 30, Hardesty further teaches transmission and reception of data (by way of items 16 and 18) through a wireless network system (as illustrated in figs. 1-2).

Regarding claim 29, Hardesty's computer system is located external from the registration system (as supported in figs. 1-2).

Regarding claim 31, Hardesty further teaches the wireless network being a satellite system or radio transmitting system (figs. 1-2; col. 5, lines 38 – 47 and col. 6, lines 29 – 36).

Regarding claim 32, Hardesty further teaches the moving object is a motor vehicle (note item 42 in fig. 1).

Regarding claim 35, Hardesty's track record comprises position data (items 14 in Hardesty support position data as well known).

Regarding claim 36, Hardesty further teaches a receiver is air-traffic controller (col. 2, lines 11 – 20 and col. 12, lines 1 – 7).

Allowable Subject Matter

Claims 6, 12, 15, 16, 20, 33, and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record fail to teach a method for determining a track record of a moving object by determining at least one characteristic properties of the object comprising, among other limitations, coordinates data that are stored as at least one data package, the at least one data package comprising at least one timestamp coordinate point as a reference point for said at least one data package, the timestamp giving the absolute position and absolute time of the moving object, and a plurality of coordinate data points as a deviation from the timestamp coordinate point; environmental parameters that influence how the upper and lower limit of at least one

Art Unit: 3661

characteristic property is defined – the upper and lower velocity limits being in certain areas, a warning signal indicating the moving object being outside the interval defined by the upper and the lower limits of the property, plugging a registration system to the electrical system (battery) of a motor vehicle for powering the registration system.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yonel Beaulieu whose telephone number is (571) 272-6955. The examiner can normally be reached on Mon., Wed. & Thur. between 0900 and 1600.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas BLACK can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yonel Beaulieu/
Yonel Beaulieu
Primary Examiner
Art Unit 3661